



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 2, 1998

Ms. Tamara Armstrong  
Assistant County Attorney  
County of Travis  
P.O. Box 1748  
Austin, Texas 78767

OR98-0321

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112031.

The Travis County Sheriff's Department (the "department") received a request for a copy of the criminal case files of a specific person. You assert that the requested information is excepted from disclosure under sections 552.101, 552.108, 552.111, and 552.130 of the Government Code. We have considered the exceptions you claim and have reviewed the documents submitted.

Section 552.108 provides that:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You assert that the information at issue was prepared by an attorney representing the state and that it reflects the mental impressions or legal reasoning of an attorney representing the state. Thus, section 552.108(a)(3) is applicable to the documents at issue. Since you have shown the applicability of section 552.108 to the records at issue, you must withhold the information.<sup>1</sup>

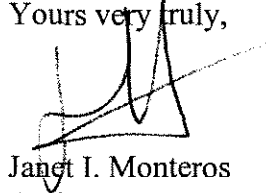
However, section 552.108(c) provides that basic information about an offense may not be withheld from disclosure under section 552.108. Front page offense and arrest report information, which are generally public, constitute this type of basic information about the offense and thus must be disclosed. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

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<sup>1</sup>As we address the issues in the instant matter under section 552.108(a)(3), we do not address the other exceptions you raise at this time.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/ch

Ref: ID# 112031

Enclosures: Submitted marked documents

cc: Ms. Rebecca Nash  
7310 Cave Hollow  
Austin, Texas 78750  
(w/o enclosures)